

ATTACHMENT A

AFFIDAVIT OF SPECIAL AGENT JERRY WINE, BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

I, Jerry Wine, being first duly sworn, do hereby depose and state that:

1. I have been a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for three and a half years. Prior to my current employment with ATF, I was a Springfield, Missouri Police Officer for 13 years. As a Springfield Police Officer, I was assigned to the Special Investigations Unit (SIU) for five years and spent two years as a Task Force Officer with ATF. In 2014, I completed three months of training at the Federal Law Enforcement Training Center (FLETC) to gain my certification as a Federal Law Enforcement Officer. After successfully completing the FLETC academy, I successfully completed the ATF's Special Agent Basic Training Academy at the FLETC campus. The academy covered a variety of Federal Violations of Law defined under U.S.C. Title 18 and Title 21. I have received specialized training into the recognition, detection, and interdiction of controlled substances. I have also conducted numerous investigations and assisted in the execution of over 300 search warrants related to those crimes, and have arrested suspects as a result of those investigations.

2. This affidavit is in support of a criminal complaint charging Patrick T. BAILEY with possession of a firearm by a prohibited person, in violation of Title 18 U.S.C. § 922(g)(1).

3. The information contained in this affidavit is based upon my own investigation, oral and written reports by other law enforcement officers, and other

investigative techniques. The dates and times in this affidavit are approximate. Because the purpose of this affidavit is to set forth only those facts necessary to establish probable cause for this criminal complaint, I have not described all of the relevant facts and circumstances of which I am aware.

4. On August 25, 2017, at approximately 1:00 a.m., Springfield Police Department (SPD) police officers executed a search warrant at the Welcome Inn, located at 3550 East Evergreen Street, Room 533, Springfield, Greene County, in the Western District of Missouri. During a search of the hotel room, a Hi-Point Model C9 9mm semi-automatic pistol loaded with nine rounds of 9mm ammunition was located on a countertop. BAILEY was present in the hotel room at the time of the search. SPD Detective (Det.) Steve Hartman searched BAILEY and found two individually-wrapped substances in his front-left pant pocket. One bag contained a chunk of grayish-brown powder consistent with heroin and the other was a crystalline substance consistent with methamphetamine.

5. After receiving a *Miranda* warning, BAILEY admitted to SPD Sergeant (Sgt.) Justin Gargus to being a user of both heroin and methamphetamine. BAILEY admitted the firearm located in the room belonged to him, and said he purchased it for \$150 weeks earlier. BAILEY stated he purchased the firearm for his protection because he was recently robbed. BAILEY admitted to being a convicted felon and knew he was prohibited from possessing firearms.

6. On August 29, 2017, I obtained a certified copy of the Judgment from the U.S. District Court for the Western District of Missouri pertaining to BAILEY's previous

conviction under 18 U.S.C § 922(g)(3) for possession of a firearm by an unlawful user of a controlled substance. BAILEY received a 30-month sentence in the U.S. Bureau of Prisons, and the sentence was imposed on May 27, 2010.

7. On September 6, 2017, I examined the Hi-Point pistol seized on August 25, 2017. The firearm functioned as designed and is a firearm as defined by the Gun Control Act of 1968 (GCA). ATF SA Brian Fox, Firearm Interstate Nexus Expert, was provided the description of this firearm. According to SA Fox, if this firearm was received or possessed in the State of Missouri, it had previously traveled in or affected interstate or foreign commerce.

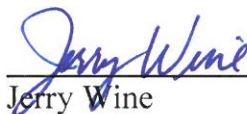
8. On September 6, 2017, at approximately 8:30 p.m., SPD police officers executed a search warrant at 1538 South Lovers Lane, Apartment A, Springfield, Greene County, in the Western District of Missouri. BAILEY was present in the apartment at the time of the search. During a search of the apartment, a Ruger Model SR9C 9mm semi-automatic pistol loaded with 14 rounds of 9mm ammunition was found under a mattress in the southeast bedroom. Also located in the room were two separate plastic bags containing powder consistent with heroin and fentanyl.

9. After a *Miranda* warning, BAILEY admitted to Sgt. Gargus that one bag contained heroin, but said the other bag contained no controlled substances. When asked about the firearm, BAILEY stated the firearm did not belong to him, but admitted he had handled it. BAILEY stated he continued to be a user of heroin and the heroin in the southeast bedroom was for his personal use. SA Wine inquired about a cellular phone found in the bedroom where the firearm and heroin were found. BAILEY stated he had

photographs of the firearm in the cellular phone. BAILEY freely provided his fingerprint and personal identification number to unlock the phone. BAILEY opened the photographs and showed SA Wine and Sgt. Gargus the photograph on the phone. The photograph depicted the same firearm found in the southeast bedroom. BAILEY admitted he was holding the firearm when the photograph was taken.

10. I later test-fired the Ruger pistol. The firearm functioned as designed and is a firearm as defined by the GCA of 1968. SA Fox was provided a photograph of this firearm. According to SA Fox, if this firearm was received or possessed in the State of Missouri, it traveled in or affected interstate or foreign commerce.

11. Based upon the above information contained in this affidavit, there is probable cause to charge that an offense of possession of a firearm by a prohibited person, has occurred, and that BAILEY committed that offense.



Jerry Wine
Special Agent
Bureau of Alcohol, Tobacco, Firearms, and Explosives

Subscribed and sworn to before me in my presence on the 7th day of September, 2017.



David P. Rush
United States Magistrate Judge
Western District of Missouri